

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

ROSIE PRECIADO,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

CASE NO. 09CV2343 JLS (RBB)

**ORDER (1) ADOPTING REPORT  
AND RECOMMENDATION, AND  
(2) GRANTING DEFENDANT'S  
CROSS-MOTION FOR  
SUMMARY JUDGMENT**

(ECF Nos. 25, 32)

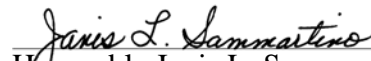
Presently before the Court are Defendant Michael J. Astrue's ("Defendant") cross-motion for summary judgment, (Mot. Summ. J., ECF No. 25), and Magistrate Judge Ruben B. Brooks's report and recommendation ("R&R") recommending that the Court grant Defendant's motion, (R&R, ECF No. 32).

Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district court's duties in connection with a magistrate judge's R&R. The district court must "make a de novo determination of those portions of the report to which objection is made," and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also United States v. Raddatz*, 447 U.S. 667, 673–76 (1980); *United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely objection, the Court "need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's note (citing *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)).

1 Here, Magistrate Judge Brooks directed the parties to file any objections to the R&R on or  
2 before December 21, 2011. (R&R 23, ECF No. 32) Plaintiff Rosie Preciado has failed to timely  
3 file objections. Having reviewed the R&R, the Court finds that it is thorough, well reasoned, and  
4 contains no clear error. Accordingly, the Court hereby **ADOPTS** Magistrate Judge Brooks's R&R  
5 and **GRANTS** Defendant's cross-motion for summary judgment. This Order concludes the  
6 litigation in this matter. The Clerk shall close the file.

7 **IT IS SO ORDERED.**

8  
9 DATED: January 23, 2012

10   
11 Honorable Janis L. Sammartino  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28